

STATE OF RHODE ISLAND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

VS.

HENRY MAGENDANTZ, M.D.

No. C88-080

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws, of the State of Rhode Island, 1956, as Amended, the Board of Medical Licensure and Discipline [hereinafter referred to as "Board"] received information from the Joint Underwriting Association which caused the Board to charge Henry Magendantz, M.D., Respondent, with violation of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as Amended. An investigation was conducted by Investigating Committee I of the Board.

After consideration by Investigating Committee I of the Board, the following constitutes the findings of fact by the Board with respect to the professional performance of the Respondent:

1. Respondent is a licensed physician in the State of Rhode Island and was associated with a local health care maintenance organization.

2. Respondent rendered pre-natal care to a twenty-six (26) year old female with a history of three prior pregnancies that had not come to term. This patient also had a history of chronic ITP (blood) condition, which was treated five years prior. A pelvic examination was performed and the size of the pelvic outlet was measured. The prognosis for delivery was a normal vaginal delivery.

3. Approximately two (2) months after her initial visit with Respondent, the patient was admitted to a hospital for delivery of her baby.

4. Respondent utilized a low mid forceps delivery. Respondent noted that he did not detect any signs of fetal

distress.

5. Subsequent to the delivery, Respondent performed an intrauterine exploration of the patient. Respondent noted that there were no lacerations of the cervix or the vagina.

6. A subsequent examination of the child, by a pediatrician, was performed. There were no remarkable observations recorded at this time.

7. Approximately three years later, after an examination of the child, a neurologist made a diagnosis of seizures.

8. A jury found that Respondent was civilly liable for medical malpractice as set forth in one or more of the allegations in the Plaintiff's Complaint.

The parties agree as follows:

1. Respondent is a physician licensed and doing business under and by virtue of the laws of the State of Rhode Island, allopathic license number 5519. Respondent's mailing address is, Pole 164, Old Louisissett Pike, Lincoln, Rhode Island.

2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

3. Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent if it is not approved by the Board.

4. Respondent hereby acknowledges and waives:

- a) The right to appear personally or by counsel or both before the Board;
- b) The right to produce witnesses and evidence in his behalf at a hearing;
- c) The right to cross-examine witnesses;
- d) The right to have subpoenas issued by the Board;
- e) The right to further procedural steps except for those specifically contained herein;
- f) Any and all rights of appeal of this Consent

Order;

g) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

h) Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the Hearing Committee presiding over this matter should it later be brought to an administrative proceeding;

j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Board.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board. It shall be published as the Board, in the exercise of its discretion, deems appropriate.

6. Acceptance of this Consent Order constitutes an admission of the facts contained herein.

7. Respondent voluntarily accepts the Board's sanction of a reprimand, as provided in Section 5-37-6.3 of the General Laws of the State of Rhode Island, 1956, as Amended.

8. Respondent shall notify the Board, in writing, of any change in his address.

Signed this 26th day of February, 1990.


Henry Magendantz M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on March 19, 1990.



H. Denman Scott, M.D., M.P.H.
Chairman
Board of Medical Licensure
and Discipline